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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,453	11/28/2003	Katsumi Sakamaki	117880	8274
25944 7590 01/22/2009 OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850				
EXAMINER				
NGUYEN, JENNIFER T				
ART UNIT		PAPER NUMBER		
2629				
MAIL DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/722,453

Applicant(s)

SAKAMAKI ET AL.

Examiner

JENNIFER T. NGUYEN

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 18-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 18-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office action is responsive to amendment filed 09/17/08.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Badarneh (Pub. No.: US 20040233159) in view of Jolly et al. (Pub. No.: US 2001/0052893).

Regarding claim 1, Badarneh teaches a user interface device (fig. 42), comprising:

a display screen (782) for displaying an [0125];

display control means (776) for controlling so as to display an image on the display screen (782) [0125];

an operation member (770-770'') for being operated by a user [0125]; and operation member drive control means (includes driving section 502 and 504 for the operation member 501, figs. 27a and 27b, control section 776 and position detection 774, fig. 42) for driving the operation member (i.e., 501, fig. 27a) at least in a one-dimensional direction [0107].

Badarneh does not specifically teach the operation member drive control means drives the operation member by moving the operation member in a direction in which an image is displayed on the display screen in order that the user selects the displayed image using the operation member, and the operation member drive control means further drives the operation member to convey a reactive force to the user.

Jolly teaches an operation member drive control means (122) drives the operation member by moving the operation member (26) in a direction in which an image is displayed on the display screen in order that the user selects the displayed image using the operation member, and the operation member drive control means (122) further drives the operation member to convey a reactive force to the user (figs. 5-7b) [0078-0081]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the operation member drive control means as taught by Jolly in the system of Badarneh in order to create a reactive force in response to user's operation so that the user can conceive operating feeling.

Regarding claim 18, the combination of Badarneh and Jolly teaches the operation member drive control means drives the operation member according to an operation pattern which corresponds to the image displayed on the display screen [0078-0081 of Jolly].

Regarding claim 19, the combination of Badarneh and Jolly teaches the operation member drive control means drives the operation member so as to apply a in the direction opposite to the direction in which the operation member is moved [0078-0081 of Jolly].

Regarding claim 20, the combination of Badarneh and Jolly teaches the operation member drive control means moves the image in the direction in which the operation member is moved [0078-0081 of Jolly].

Regarding claim 21, Badarneh teaches the operation member driver control means drives the operation member when the user confirms selection [0107 and 0125].

Response to Arguments

4. Applicants' arguments filed 09/17/2008 have been fully considered but they are not persuasive because as follows:

In response to Applicants' argument stated "the operation member drive control means drives the operation member by moving the operation member in a direction in which an image is displayed on the display screen in order that the user selects the displayed image using the operation member, and the operation member drive control means further drives the operation member to convey a reactive force to the user. However, this feature is not disclosed, expressly or inherently, in Badarneh". However, Jolly teaches an operation member drive control means (122) drives the operation member by moving the operation member (26) in a direction in which an image is displayed on the display screen in order that the user selects the displayed image using the operation member, and the operation member drive control means (122) further drives the operation member to convey a reactive force to the user (figs. 5-7b) [0078-0081].

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JENNIFER T. NGUYEN whose telephone number is 571-272-7696. The examiner can normally be reached on Mon-Fri: 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard A. Hjerpe can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/J. T. N./
Examiner, Art Unit 2629
/Richard Hjerpe/

Supervisory Patent Examiner, Art Unit 2629